

Docket No.: 244846US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/699,674

Applicants: Atsushi AYABE, et al.

Filing Date: November 4, 2003

For: AUTOMATIC TRANSMISSION HAVING TORQUE
CONVERTER WITH LOCKUP CLUTCH AND
METHOD OF CONTROLLING SAME LOCKUP
CLUTCH

Group Art Unit: 3663

Examiner: TO, T.

SIR:

Attached hereto for filing are the following papers:

**REQUEST FOR RECONSIDERATION
CERTIFIED ENGLISH TRANSLATION OF JP 2002/326828**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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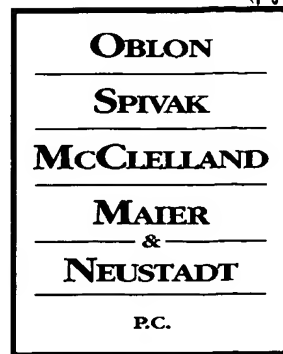
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DOCKET NO: 244846US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ATSUSHI AYABE, ET AL. : EXAMINER: TO, T.
SERIAL NO: 10/699,674 :
FILED: NOVEMBER 4, 2003 : GROUP ART UNIT: 3663
FOR: AUTOMATIC TRANSMISSION :
HAVING TORQUE CONVERTER WITH
LOCKUP CLUTCH AND METHOD OF
CONTROLLING SAME LOCKUP
CLUTCH

REQUEST FOR RECONSIDERATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated July 28, 2004, Applicants request the reconsideration of the rejection of claims 1, 3, 7, 9, 10 and 12, for the reasons set forth below.

The aforementioned claims were rejected under 35 U.S.C. §103 as being obvious over U.S. published patent application 2002/0175036 in view of published U.S. patent application 2003/0045400 (Ito et al). Applicants note that Ito et al is assigned to Toyota Jidosha Kabushiki Kaisha, as is the present application, and that both Ito et al and the present application were assigned to Toyota Jidosha Kabushiki Kaisha at the time the invention was made. Ito et al is therefore prior art under 35 U.S.C. §103 only as of its publication date of March 6, 2003 (35 U.S.C. §103(c)).

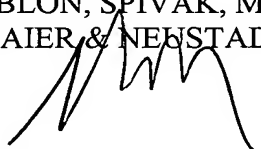
Applicants are at this time submitting a certified English translation of their convention priority application JP 2002/326828 which was filed on November 11, 2002.

Since this is prior to the March 6, 2003 effective date of Ito et al as prior art, Applicants respectfully submit that Ito et al is no longer prior art with respect to the present application and that the outstanding rejection is moot.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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